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ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS

Report of the independent expert on the situation of human rights in Somalia, Ghanim Alnajjar*

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* The submission of this report was delayed due to the postponement of the annual mission of the independent expert (26 January to 7 February 2005) for security and logistical reasons. The annex is circulated in the language of submission only.

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Summary

In 2004, the last round of the Somalia peace process appeared to come to an end and Somalis agreed to establish the Transitional Federal Parliament (TFP) and Transitional Federal Government (TFG), signalling a cautious optimism for peace and reconciliation for Somalia. The independent expert calls on the international community to consolidate its support to the Transitional Federal Government in this crucial stage, to extend assistance to civil society, and to give integrated support to the United Nations country team for Somalia.

The independent expert, Ghanim Alnajjar, undertook a mission to Kenya and Somalia from 26 January to 7 February 2005. Due to security and logistical considerations, his mission was postponed from his usual mission period of late August and early September. During this mission he visited "Somaliland", "Puntland" and Nairobi. A visit to Mogadishu was again forestalled this year owing to security considerations, and a visit to the southern regions of Somalia was also not possible for this same reason.

The autonomous region of "Somaliland" continued to be relatively secure throughout 2004. The independent expert perceived some calm and optimism to resolving the Sool and Sanaag border conflict between "Somaliland" and "Puntland". The authorities are undertaking modest infrastructure projects and NGOs continued their local human rights work albeit with little or no resources. Of concern are a slight increase in police brutality, an alarming trend in juvenile suicides and the forced return of refugees to "Somaliland". There were also reports of impunity, threats to human rights defenders and journalists as well as to freedom of association and opinion. The matter of the scheduled elections in "Somaliland" was discussed with various authorities and the independent expert received guarantees that the election would indeed be held. The conflict in the contested border regions of Sool and Sanaag, continued between "Somaliland" and "Puntland", causing serious human rights violations, and resulting in prisoners of war on both sides.

A highlight of the independent expert's mission to "Somaliland" was the negotiated release of Zamzam Ahmed Dualeh of "Puntland", a 17-year-old girl who had been sentenced to five years' incarceration for espionage and for lying about her clan identity. There were concerns by local and international observers that the teenager had been tried as an adult without due process and that she had been abused and sexually assaulted while in custody. The independent expert assisted in securing her release and accompanied her back to her home region of "Puntland". The independent expert offered his support to Zamzam Ahmed Dualeh should she wish to pursue her case, and he received an agreement from "Somaliland" authorities to investigate her allegations of abuse.

In "Puntland", the human rights issues mostly concerned economic and social rights. Large-scale illegal fishing by foreign trawlers (complicated by recent drought and floods), and the cumulative effects of the long-standing ban on livestock were infringing the economic and social rights of the people of "Puntland" and thwarting development in the region. The need to reinforce the educational and health infrastructure of the region was noted. While on mission in "Puntland", the independent expert examined the extent of the effects of the 26 December 2004 Indian Ocean tsunami on the Hafun peninsula. Local officials and the local population expressed gratitude for the emergency assistance received to date, but urged that longer-term interventions focus on restoring their livelihood, particularly fishing.

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The independent expert applauds the continued progress of civil society and the emphasis on peace-building and he notes that a large part of this work is being carried out by women's groups. He urges the Transitional Federal Parliament and Transitional Federal Government to facilitate an atmosphere conducive to carrying out core human rights work on behalf of vulnerable segments of society, such as internally displaced persons (IDPs), women, children, and the mentally disabled. He encourages the international community to support the Transitional Federal Government and Somali civil society in the critical human rights work that must occur if peace and security are to prevail in Somalia.

CONTENTS

		Paragraphs	*Page*
	Introduction	1 - 5	5
I.	POLITICAL DEVELOPMENTS	6 - 14	5
II.	PAST HUMAN RIGHTS VIOLATIONS	15 - 16	7
III.	HUMAN RIGHTS ABUSES DURING THE PERIOD COVERED BY THE REPORT	17 - 47	7
IV.	THE INDIAN OCEAN TSUNAMI	48 - 51	12
V.	REFUGEES AND INTERNALLY DISPLACED PERSONS (IDPS)	52 - 56	13
VI.	CIVIL SOCIETY	57 - 58	14
VII.	THE ESTABLISHMENT OF INDEPENDENT HUMAN RIGHTS INSTITUTIONS	59 - 61	14
VIII.	FIELD VISITS	62 - 101	14
	A. Visit to "Somaliland"	62 - 81	14
	B. Visit to "Puntland"	82 - 101	18
IX.	PARTNERSHIPS FOR THE PROMOTION OF HUMAN RIGHTS IN SOMALIA	102 - 113	20
	A. Meeting with the Prime Minister of the Transitional Federal Government, Ali Mohamed Gedi	102 - 106	20
	B. Meeting with Mohamed Ali Foum, Special Envoy for Somalia of the Africa Union	107	21
	C. Meetings with the donor community	108 - 109	21
	D. Meetings with the United Nations country team	110 - 113	22
X.	RECOMMENDATIONS	114	22

Annex

List of persons consulted 25

Introduction

1. The Commission on Human Rights, in its resolution 2004/80, decided to extend the mandate of the independent expert on the situation of human rights in Somalia for a further year and requested him to report to the Commission at its sixty-first session. This report covers the period from December 2004 to February 2005.

2. The independent expert wishes to express his gratitude to the people of Somalia for the hospitality with which he was welcomed in that country. The freedom of movement afforded him, and the willingness of persons from all the areas visited to engage in discussions and offer ideas were critical in fulfilling his mission. In particular, the independent expert is grateful to the authorities in "Somaliland", and "Puntland" for facilitating his visit and meeting with him, and to the members of civil society organizations who provided him with information. He is also grateful to Prime Minister Ali Mohamed Gedi and members of the Transitional Federal Parliament for taking the time to meet with him to discuss Somalia's human rights issues and for considering ways to address them.

3. The independent expert extends his particular thanks to staff of United Nations agencies with whom he met and who shared their experience and enthusiasm. He is especially appreciative of the substantive feedback from the United Nations Gender and Human Rights Working Group, and of the logistical and public relations support provided by the staff of the United Nations Development Programme (UNDP).

4. The independent expert wishes to thank the representatives of the diplomatic/donor community with whom he met in Nairobi, including representatives of the African Union, the European Union and the United States of America. The meetings made for useful exchanges of information and perspectives on the activities and approaches of the international community.

5. The independent expert is also grateful to the representatives of the international institutions and non-governmental organizations (NGOs) such as NOVIB (Oxfam-Netherlands), the International Committee of the Red Cross (ICRC) and Diakonia (Sweden), who provided him with helpful information and documentation on civil society activity in Somalia.

I. POLITICAL DEVELOPMENTS

6. After over 14 years of war and poverty, in October 2004, the two-year Somali National Reconciliation Process culminated in a peace agreement and the election of a Somali Transitional Federal Parliament. Somali leaders at the Conference agreed to subsequently establish an all-inclusive, national Government with 275 members of Parliament, of which 12 per cent of seats would be set aside for women. The independent expert echoes the commendations of this achievement by the Secretary-General and the international community, and extends his congratulations to all Somalis, the Government of Kenya, other Intergovernmental Authority on Development (IGAD) countries, as well as the international supporters of the Somali National Reconciliation Process (SNRC) for their commitment to peace in Somalia.

7. The President of the Transitional Federal Government (TFG) of Somalia, Abdullahi Yusuf Ahmed was elected on 14 October 2004 and Parliament subsequently endorsed President Yusuf's nominee, Ali Mohammed Gedi, as Prime Minister, and the proposed cabinet (comprised of 42 ministers, 42 assistant ministers and 5 ministers of State). This large cabinet represents the difficulties in accommodating Somalia's varied interests and clans and will likely impact the costs of running the TFG. It intends to relocate to the capital city Mogadishu as soon as feasible given the security situation; however, due to the prevailing insecurity and inter-clan tensions, it has been suggested that relocation may be to a venue other than Mogadishu.

8. The SNRC process was fairly broad-based and the TFP and the TFG is representative, but there remains concern in some quarters about those not included in the Government.

9. On 25 October 2004 in Addis Ababa, President Yusuf, addressed the eighteenth meeting of the Peace and Security Council (PSC) of the African Union (AU) during his visit to the Commission. The President appealed for support from the African Union to enhance the security situation in Somalia, outlining Somalia's immediate requirements as follows: (a) an AU pledge and mobilization of 15,000 to 20,000 peacekeepers comprised of the frontline States, Africa at large, brotherly Arab States and the rest of the world, including Indian Ocean countries; (b) about 20,000 to 30,000 national security force (police and army) members to be recruited, trained and equipped to conduct joint operations with the peacemaking force; and (c) until such a time when the Transitional Federal Government is further stabilized and can generate revenue through taxation and resource mobilization, a commitment by the international community to financially support efforts to bring peace and security to Somalia as well as a reconstruction programme of approximately US$ 15 billion, including the security package.

10. The African Union Peace and Security Council requested the AU Commission to study these proposals and submit to it recommendations for consideration. Furthermore, the Council requested the Commission to accelerate preparations for the deployment of an AU Military Observer Mission in Somalia.

11. The relocation plan to transfer members of the Transitional Federal Parliament of Somalia commenced in February 2005, with the relocation of some parliamentarians to Mogadishu. On 24 February, in the context of the TFG's relocation plan, President Abdullahi Yusuf and Prime Minister Ali Mohammed Gedi led high ranking delegations on a "meet-the-people" mission to south/central Somalia and "Puntland".

12. The TFG has noted that the pace of its relocation will depend on donors covering an initial six-month budget of about US$ 77.3 million (59.5 million euros). However, as of mid-February 2005, only about US$ 8 million (6.1 million euros) had been contributed.

13. Some concerns have been raised about the "interference" or "influence" of some frontline States in the selection and operation of the TFP. In addition, press reports indicate that on 8 January 2005, a large number of people demonstrated in Mogadishu against the deployment of "foreign troops" in Somalia. In February 2004, the Security Council also expressed concern over "the continued flow of weapons and ammunition" into Somalia, calling on all "States and entities" to cooperate with the monitoring group which oversees the arms embargo.

14. While the Somali National Reconciliation Process might be considered as focused on rebuilding the State (Government) of Somalia, the crucial period to come must focus on building the peace in Somalia. The independent expert views this as critical to improving the peace and security situation in Somalia, and underlying this is the full respect by all parties and clan leaders of all human rights for all in Somalia.

II. PAST HUMAN RIGHTS VIOLATIONS

15. The independent expert wrote to the Secretary-General in September 2001, urging him to present for the consideration of the Security Council a proposal for the formation of a committee of experts to investigate allegations of past atrocities in Somalia, a proposal which he continues to pursue.

16. On a related note, the independent expert learned of the cases of Mohamed Ali Samantar and Yusuf Abdi Ali (a.k.a. Tokeh), both residents of Virginia, United States of America. These men had been served with lawsuits accusing them of responsibility for war crimes and other human rights abuses committed in Somalia in the 1980s during the regime of Mohamed Siad Barré. Recently, the Foreign Minister of Somalia had written to the State Department asking that the case against Mr. Samantar be dismissed, according to information received from the Centre for Justice and Accountability (CJA).

III. HUMAN RIGHTS ABUSES DURING THE PERIOD COVERED BY THE REPORT

The right to life

17. The right to life continues to be violated on an extensive scale in Somalia. Most of the country is marked by insecurity and violence and the most insecure areas are in the South, notably the capital city Mogadishu. Inter-clan fighting in Mogadishu among rival militias continues largely unabated and the dead and wounded are often civilians. Casualties from mine explosions, widespread banditry and other criminal activity also continued in 2004.

18. One of the greatest threats to security in Somalia is the proliferation of weapons. It is reported that this widespread insecurity is exacerbated by large-scale violations of the arms embargo. The importation of explosives and heavy weapons is of serious concern.

19. It is also worrying to note that targeted killings have recently increased in Mogadishu. The independent expert learned that a high-ranking police commander was recently assassinated in Mogadishu. On 9 February 2005, Kate Peyton, a BBC journalist and producer in Mogadishu who came to cover the anticipated arrival of the Government, was shot and killed outside her hotel. In addition, on 17 February 2005 while in Mogadishu on an assessment mission of the security situation, the African Union delegation narrowly missed being hit by a roadside bomb explosion that killed two Somalis and wounded six others. Some observers have noted that these killings and violence are to serve as a warning/intimidation to the Transitional Federal Parliament and Government and any outside intervention.

20. The independent expert was also informed about the disturbing incidents of desecration of up to 700 graves in the so-called "Italian cemetery" in Mogadishu. It was noted that many Somalis had condemned these incidents which occurred in late January 2005.

The taking of hostages

21. The occurrence of kidnappings in the period covered by the report remains high. The majority of kidnappings were reported in the southern regions, especially Mogadishu, where ransoms allegedly fund the purchase of weapons and ammunition.

22. The independent expert learned that on 29 January 2004, a United Nations field security officer, Rolf Hemmerich, was kidnapped at Wirkoy, 45 km north of Kismayo, en route to Jamame. He was released on 7 February.

Freedom of the press

23. In a 10 February 2005 press release, the independent expert strongly condemned the killing of BBC correspondent Kate Peyton. The killing occurred at the end of his mission to Somalia, just days after an attack on the press in Mogadishu on the night of 28 January, when a grenade was launched at the Hornafrik Media Inc. premises.

24. In the period covered by the report, there were several other attacks on the media and threats to freedom of the press. For example, on 24 May 2004, the independent expert wrote to "Puntland" authorities to express his concern about the reported detention and arrest of Abdishakur Yusuf Ali. Mr. Ali, editor of the *War-Ogaal* newspaper, was reportedly arrested on 21 April 2004 in Bossaso following a story that allegedly criticized the finance minister and accused him of corruption. At the time of the independent expert's letter, Mr. Ali continued to be detained in jail and he had not been formally charged, however he was released a month later.

Economic, social and cultural rights

25. By many accounts, there was no marked improvement in economic, social and cultural rights in the past year. The poor situation of economic, social and cultural rights was exacerbated by the devastating results of a year of environmental extremes in many parts of Somalia. The "Puntland" coastal region was struck by the Indian Ocean tsunami while drought, flash floods and unseasonably cold weather decimated livestock in the northern regions and destroyed the livelihoods of the many Somalis who depend on livestock for their survival.

26. According to the Food Security Analysis Unit (FSAU) of Somalia, "Heavy rains in Somalia over the past year have ended a drought cycle that had lasted more than three years, but have also led to flooding and livestock deaths". It is anticipated that given these multiple shocks, including drought, freezing rains, and flooding, there will be a considerable lag time before most pastoralists will begin to recover. "Combined with the extent of environmental degradation, cumulative livestock deaths - an estimated 84,000 people require immediate humanitarian assistance and another 158,000 require livelihood support", the report added. Given this situation, there is a potential for acute food insecurity in the future which may pose a threat to Somalia's already fragile peace-building and reconstruction efforts.

27. The independent expert wishes to draw attention to the urgent need to develop basic socio-economic infrastructure and services in Somalia. There is a stark contrast between northern Somalia and southern Somalia. In "Puntland" and "Somaliland" some investment in roads and port activity has been possible, facilitating some commercial flow, whereas in the southern regions, road, sea and air infrastructures are rapidly deteriorating. There is little doubt that this underdevelopment and in some cases "reverse" development have negative implications for the provision of basic social and economic services to Somalis.

28. In this respect, he reiterates the principle that all human rights are indivisible and interdependent, and underlines that progress towards peace and civil and political rights would need to be reinforced by addressing the realization of economic and social rights. In addition, the independent expert feels that there is also a need to integrate Somalis (the new TFG and civil society) in the formulation of international development programmes which affect them.

29. Somalia has a 3,600 km coastline and some of the last wild fish stocks in the world. Due to its inability to police its waters, they are regularly overfished by illegal foreign trawlers. Smuggling of migrants and human trafficking are also problems exacerbated by the absence of a coast guard or other administrative structures. During the mission, the independent expert flew over the coastal areas in the "Puntland" region and was able to detect foreign vessels in the waters. As fishing could play a key role in economic recovery, it is imperative that, in the short term, the Somalis monitor and report infringements of maritime law in their waters to international mediators, while in the longer term, work towards setting up a coastguard.

30. Since 2000, there has been a livestock ban on Somali imports in Saudi Arabia (which represents 90 per cent of Somalia's livestock market) and other Gulf States in response to an outbreak of Rift Valley Fever (RVF). The independent expert views these long-standing bans as economically detrimental to Somalia, which relies on the livestock industry for much of its economic activity. In the past, the independent expert has written to and met with various Saudi officials urging them to consider lifting the ban and noting that the ban was having an affect on the economic and social rights of Somalis. At the time of writing, it was reported that Saudi Arabia had announced its intention to lift the ban on livestock imports from Somalia and possibly "Somaliland", and the independent expert is hopeful that this will take place shortly.

31. During 2004, the Governments of the United Arab Emirates (UAE) and of Kenya took decisions to stop issuing visas to holders of Somali passports. These decisions were seen to have a significant economic and humanitarian effect on Somalis, as many imports to Somalia entered through the United Arab Emirates and Kenya. The bans also had the potential to prevent Somali nationals who needed to enter the United Arab Emirates and Kenya from obtaining important services such as medication, health services and access to international flights abroad. The independent expert wrote to these Governments in June 2004, expressing his concern about these bans. It is hoped that with the establishment of a new Transitional Federal Government for Somalia, these visa bans will soon be lifted as well.

Prison conditions

32. From his discussions with prison inmates, the independent expert noted that prisoners seem, in general, to be treated adequately in Somalia's prisons. The main problem identified during this mission, and acknowledged by prison officials, concerns the lack of basic care and

amenities (medicines, nutrition, etc.) vocational training, and cramped conditions, which could be accounted for by lack of finances rather than a lack of willingness to improve the conditions of those incarcerated. For example, while in Hargeisa, the mission again visited the main prison, which was built in the 1940s to hold about 150 prisoners, but today houses over 800 inmates. The independent expert noted that, compared to his previous visits in 2002 and 2003, the prison had deteriorated to an appalling condition. In this regard, the independent expert notes that support from the international community and NGOs working on prison conditions and treatment would be welcomed.

33. During his mission, the independent expert raised the issue of the treatment of female prisoners in Somalia. Following the independent expert's request in an earlier mission to establish a special unit in each police station staffed by women, and the success of such experiments thus far, he calls upon all authorities in Somalia to follow such a model.

Minorities

34. It is estimated that minority groups living in Somalia may constitute up to one third of the Somali population, approximately 2 million people. These groups continue to live in conditions of great poverty and to suffer numerous forms of discrimination and exclusion. There is some serious concern that the members of some minority clans were excluded from the Somali National Reconciliation Process and from the Transitional Federal Parliament and Government.

The rule of law and denial of due process

35. The legal framework throughout the country remains poor. Persistent challenges include untrained staff, low salaries, lack of basic equipment, training and reference materials, gender inequity and lack of harmonization among secular, customary and Islamic laws. Given the lack of a properly functioning State for a protracted period of time, establishment of and respect for the rule of law is also seriously constrained in many regions of Somalia.

36. The independent expert took advantage of his mission to "Somaliland" to inquire about the case of Zamzam Ahmed Dualeh. The 17-year-old was arrested on 15 August 2004 and later sentenced to five years' imprisonment by the regional court of Hargeisa - four years for alleged espionage and one year for purportedly lying about her name, identity and clan. She was suspected of trying to obtain secret information about the vice-president's house on her visit to Hargeisa from her home region of "Puntland". She denied the charges.

37. There were widespread concerns by local and international human rights groups that Ms. Dualeh's trial did not meet international standards for fairness and that she was convicted as an adult rather than as a minor. There were also allegations that Ms. Dualeh was sexually abused and mistreated by prison authorities and police officers during her period of detention. During the mission, the independent expert was pleased to learn about the behind-the-scenes efforts to secure her release by UNDP and its Rule of Law and Security Programme (ROLS) and the campaigning by local and international NGOs.

38. On 2 February, Ms. Dualeh was unconditionally freed by authorities in "Somaliland" and released into the custody of the independent expert during the course of his mission in Hargeisa. The independent expert accompanied Ms. Dualeh to her home region of "Puntland" and extended to her his support in the event that she wished to follow up on her claims that she was raped and beaten while in custody.

The human rights of women

39. The independent expert continued to investigate the treatment of women in Somalia during the period covered by this report. The profile of Somali women and support of their rights has made some progress over the past few years. The independent expert noted continued improvement towards the wider participation of women in politics in Somalia. In the Somali Transitional Federal Parliament, 12 per cent of the seats are to be reserved for women, and a woman, Fowzia Mohamed Sheikh, is the newly-appointed cabinet minister for Gender and Family Affairs. Nevertheless, the independent expert emphasizes the need to continue improving the economic empowerment of women and their participation rate in the social and political spheres.

40. On 26 January 2005, the mission of the independent expert met with Fowzia Mohamed Sheikh, in Nairobi. She highlighted some operational, political and social challenges of her mandate, from sensitizing other cabinet members about the human rights of women to the simple need to find an office from which to operate.

41. On the issue of female genital mutilation, both the minister and the independent expert agreed that the practice was often defended as religious custom, when in fact it was an old tribal clan tradition.

42. The vast majority (98 per cent) of Somali women and girls have been subjected to female genital mutilation and the practice continues in Somalia. The independent expert discussed this issue with, amongst others, women's groups, and assured them that he would continue to advocate against this practice, which is detrimental to the health and well-being of those affected and is often mistakenly attributed to Islamic teaching by its practitioners and defenders.

43. The independent expert reiterated that he views the human rights of women as an important part of his mandate and encouraged the minister to make linkages with Somalia's many women's groups as they were hard-working, well-trained and effective in the face of limited resources. He added that donors would likely be interested in supporting specific projects presented by the minister, in cooperation with Somali women's groups.

Rape and other forms of sexual violence

44. The independent expert wishes to reiterate the findings of a 2003 report by UNICEF Somalia, *From Perception to Reality: A Study on Child Protection in Somalia*, which indicates that gender-based violence is a problem of concern in Somalia, despite a widespread culture of denial. Females in displaced persons camps are especially vulnerable - the study notes that "nearly a third of all displaced children (31 per cent) reported rape as a problem within their

family, compared to 17 per cent of children in the general population". During the mission, the independent expert learned that this widespread sexual violence in IDP camps also fostered a rising concern among aid workers and international organizations about the spread of HIV/AIDS.

The human rights of children

45. During his mission, the independent expert once again took up the issue of the custom and practice of *asiwalid*, where some parents place their children in prison for disciplinary purposes and without any legal procedure. During discussions, authorities in both "Somaliland" and "Puntland" stated that they were aware of this custom, and committed themselves to working towards its eradication. The custom is also practiced elsewhere in Somalia.

46. Somalia has the sixth-highest infant mortality rate in the world and enrolment for school-age children is just 22 per cent, according to UNICEF representatives. They also raised the issues of female genital mutilation and general violence against children, noting that these violations were often gender-based. UNICEF representatives on various occasions during the mission also reported the human rights concerns of Somali children in prisons (often housed with adults), street children, children of minority groups and clans, children as primary caregivers, child labour, and children with physical and mental disabilities.

47. In these discussions and on the matter of child protection and the human rights of children, the independent expert noted the importance of calling on the Transitional Federal Parliament to sign and ratify the Convention on the Rights of the Child.

IV. THE INDIAN OCEAN TSUNAMI

48. On 26 December 2004, a devastating tsunami occurred in the Indian Ocean causing an enormous loss of life and unprecedented destruction to the livelihood of millions of human beings, primarily in Asia, but also in Africa.

49. The independent expert joined an 11 January press release of United Nations human rights mandate-holders calling for focused attention on most vulnerable tsunami survivors and their full participation in rebuilding. On 24 January, the independent expert also issued a separate press release commending the generous international response to the tsunami crisis and urging the international community not to forget the effects of the tsunami on the eastern coast of Africa, primarily Somalia. Reports indicate that up to 150 people were killed and about 50,000 people were displaced in and around the Hafun peninsula in "Puntland".

50. While on mission in Somalia, the independent expert made a visit to the Hafun peninsula in "Puntland", which was affected by the Indian Ocean tsunami, to witness first-hand the effects of the tsunami there. He noted that, while the death toll was not as high as in Asia, there were significant economic and social effects on the region.

51. Most of the dead and missing were fishermen, and nearly all of their fishing boats and equipment were lost in the tsunami. The town's limited social infrastructure was also destroyed or badly damaged. The area had indeed received some international assistance from donor

countries and also from the World Food Programme and UNICEF since the tsunami. Nevertheless, in a coastal area already beset by poverty and threats to livelihood by piracy and illegal fishing by international vessels, the independent expert's impression was that the economic and social rights of those residing in this region had been affected and that international assistance for rebuilding and recouping these losses was very necessary.

V. REFUGEES AND INTERNALLY DISPLACED PERSONS (IDPS)

52. According to the United Nations, there are approximately 370,000 internally displaced persons scattered throughout 34 settlement camps in Somalia and "Somaliland". The independent expert wishes to draw attention once more to the desperate conditions in which they live, as witnessed during his visit to the Shabeele and Ajuuraan camps in Bossaso, which house an estimated 1,260 families, and to the fact that they are a vulnerable group in need of assistance.

53. The IDPs in the Baidoa and Kansadere districts in the south-western region are also at risk. It was noted that recently up to 15 villages were burned down in internal clashes between Rahanweyn Resistance Army (RRA) Forces. Unfortunately, this situation occurred on a regular basis.

54. During a meeting between the independent expert and the United Nations Gender and Human Rights Working Group in Nairobi on 27 February, the UNHCR representative stated that 18,030 refugees had returned, almost exclusively to "Somaliland" and that by the end of 2005 or early 2006, the "Somaliland" segment of its return programme should be completed. The repatriation programme also covered "Puntland" and Mogadishu. In the case of Mogadishu, given the security situation, return was "facilitated" but not overtly emphasized. It is anticipated that a wave of refugees and returning IDPs may materialize from other parts of Somalia, if the current peace process and rebuilding holds.

55. The issue of forced returns of refugees to "Somaliland" was also raised during this meeting. There were efforts to dissuade the neighbouring countries and regions from engaging in forceful refugee return. In addition, the Government of "Somaliland" was increasingly concerned about the number of returnees and their capacity to absorb the returnees. The Working Group wished to underscore the fundamental importance of voluntary return.

56. The independent expert also wishes to note that there have been positive moves to allocate land in Garowe and Bossaso to the IDPs who, in addition to being destitute, are forced to pay rent on the land they have occupied. UNDP and UNHCR collaborate on the Reintegration of Returning Refugees and IDPs in Somalia (RRIDP) programme by helping to establish police stations, schools, water management systems, low cost housing and local economic development activities to ensure that returnees and IDPs become self-sufficient in their new communities. While commending these efforts, the independent expert draws attention to the need for more donor support for this programme as it continues its interventions in "Somaliland" and, has more recently, in "Puntland".

VI. CIVIL SOCIETY

57. Civil society emerged once again as a key player in monitoring and drawing attention to human rights concerns in the various regions, as well as its creative efforts in addressing them. Professional, knowledgeable and committed NGOs were involved in the peace process and reconstruction talks, which the independent expert commends. There was also a trend toward the creation of umbrella groups, consolidation and networking.

58. The independent expert encourages building on the progress made, with a view to overcoming the significant difficulties faced by civil society in the Somali context, including limited resources and skills and restrictions imposed by authorities. The independent expert appeals for reinforced support for human rights defenders and civil society by all authorities as well as by donors and United Nations agencies.

VII. THE ESTABLISHMENT OF INDEPENDENT HUMAN RIGHTS INSTITUTIONS

59. As a corollary to the civil society efforts in Somalia, the independent expert views the establishment of independent human rights institutions as a key feature of promoting and protecting human rights in Somalia.

60. Independent human rights institutions have ongoing, advisory authority with respect to human rights at the national and/or international level. These purposes are pursued either in a general way, through opinions and recommendations, or through the consideration and resolution of complaints submitted by individuals or groups. In “Somaliland”, such an institution is in the process of being established with the assistance of UNDP’s Rule of Law and Security (ROLS) programme, with the final stage being consultation with NGOs. In “Puntland”, the “president” agreed to establish one and requested technical assistance.

61. These initiatives have been met with much support by NGOs and international organizations working in “Somaliland” and “Puntland”. The independent expert has also raised the idea of a national human rights commission with Prime Minister Gedi and representatives of the Transitional Federal Government, who stated that they were receptive to the idea but that they required the technical assistance of the United Nations and donor countries.

VIII. FIELD VISITS

A. Visit to “Somaliland”

62. The independent expert visited Hargeisa, “Somaliland”, from 31 January to 2 February. The situation in “Somaliland” continued to be relatively calm compared to other areas of Somalia, particularly the southern and eastern regions. The border regions of Sool and Sanaag, however, remained “contested areas” between “Somaliland” and “Puntland”, causing serious human rights violations, and resulting in the taking of prisoners of war on both sides. In October 2004, unusually bloody clashes between “Somaliland” and “Puntland” forces in the Sool region left over 100 people dead.

63. It was noted by some observers that the human rights situation in "Somaliland" was not on all counts improving. It was noted that human rights defenders had improved their capacities and skills in the region, but that in the current political environment the defenders were wary of repercussions from authorities that might arise in the course of carrying out human rights work. A complicating factor was that the outside world appeared reluctant to condemn human rights abuses which occurred for fear of jeopardizing the fragile "peace process" and rebuilding phase.

64. There remains the issue of impunity for human rights violations in many parts of "Somaliland". The lack of a fully functioning government and administrative apparatus make it very difficult to follow up on human rights violations and to hold any party accountable.

65. While in Hargeisa, the independent expert received reports that police brutality was increasing, as many officers were using harsher methods. The case of Ahmed Shamadle was raised. On 2 January 2005, police allegedly shot and killed two unarmed persons and wounded two others near the Ministry of Public Works. The Police Unit Leader as well as a policeman have been arrested and are being detained awaiting trial. In another recent case on 30 January 2005, police allegedly shot and killed one person who was clearing roads for the municipality, reportedly at the instigation of a resident. The police officer in question was being held and the incident was being investigated by authorities. These cases were later raised with the Vice-President, the Minister for the Interior and the Minister of Justice.

66. Despite these incidents, it was also reported that since October 2004, the Minister for the Interior was more cooperative on a variety of issues raised with him. The importance of tackling police behaviour through training and sensitization was emphasized.

67. In Hargeisa, the independent expert was disheartened to hear about a new trend of juvenile suicides. In the few preceding weeks, up to 10 young persons reportedly committed self-immolation. Since December, three boys and a girl between 16 and 18 years of age had burned themselves alive. The latest incident concerned an 18-year-old girl in the Golchano neighbourhood, who miraculously survived. Another survivor was a 24-year-old man, while yet another 13-year-old boy died after 15 days in the hospital. The independent expert suggested that a study be undertaken to understand this phenomenon.

68. It was noted that the judiciary was not independent and that local officials had a tendency to interfere with legal matters. There also seems to be limits on freedom of assembly and association, as well as freedom of speech. Some human rights defenders were targeted in the course of their human rights work.

69. The independent expert learned that on 18 May 2004, 55 demonstrators were arrested and detained in a prison 100 kilometres outside Mogadishu, without charge or trial. A month later, they were released. On 4 October 2004 in Borama, 10 people were arrested and detained for taking part in alleged anti-Government riots. They were also later freed by the Minister for the Interior after one month.

70. A traditional leader, Sultan Rabi Yusuf, was being held in Hargeisa Central Prison, reportedly for expressing his views on politics. The independent expert was also informed that four lawyers/human rights defenders had also been detained by authorities: Mohamed Said Hersi, Fawsi Sh. Yonis Hassan, Abdirahman Ibrahim Alin, and Yusuf Ismail Ali.

71. On 1 February, while in Hargeisa, the mission met with the Vice-President of "Somaliland", as well as the Minister of Justice and the Attorney-General to discuss the human rights situation in Hargeisa. The "Somaliland" officials noted that perhaps some of the charges of human rights violations were inaccurate or exaggerated by observers. However, on the matter of the sudden emergence of brutality among some elements of the police force, the Vice-President agreed that the police force needed training and proper equipment. He also agreed to investigate the incidents of police brutality that the independent expert raised with him. With regard to the UNDP-supported ROLS programme, the independent expert noted that a training package on sexual violence should be integrated into the programme.

72. The independent expert raised the case of Zamzam Ahmed Dualeh, the imprisoned 17-year-old girl accused of espionage and sentenced to five years' incarceration in a "Somaliland" prison (see paragraph 33 above), noting that the minor was reported to be in danger and that perhaps the case had attracted disproportionate international attention, but that a resolution could be found. After some lengthy discussions, it was agreed Ms. Dualeh would be released into the custody of the independent expert. The independent expert stressed to the "Somaliland" officials that they should investigate Ms. Dualeh's serious allegations of mistreatment while in custody.

73. The "Somaliland" officials also agreed to release Sultan Rabi Yusuf, whom they claimed had been charged with inciting a rebellion and they also agreed to look into the matter of suicides among young people. The four lawyers/human rights defenders were also soon released.

74. The Speaker of the House of Parliament also met with the mission. The matter of the scheduled elections was discussed. He reported that the Upper House had received the electoral law from the Lower House and might suggest some changes. It would then be returned to the Lower House for final approval. The independent expert received guarantees that the Government would use its leverage to ensure that the election would indeed be held.

75. On 1 February the mission also met with Silanyo, the chairman of the opposition party "Kulmiye". The independent expert stressed the importance of free and fair elections, and that the "Somaliland" authorities would be strongly encouraging the Parliament to hold the scheduled elections. The chairman added that all must ensure that democracy thrived in "Somaliland" and that the requisite checks and balances were put in place to ensure the legitimacy of the process. He had some concerns about the capacity of the administration to set up an election (census, mapping of voting districts, voter-registration) in time for the scheduled elections and about ensuring the fairness and transparency of the election.

76. The mission later visited the Human Rights and Legal Clinic of the University of Hargeisa, which is an NGO project funded by UNDP. Established in 2003 to achieve the supremacy of law, the clinic tries to address human rights violations in "Somaliland" by training law students, and by providing pro bono legal services to indigent persons. They work on IDP and refugee cases and, in 2004, many of their cases were related to land issues. The clinic had received some seven cases about police brutality, but stated that all the cases had been settled out of court. They have set up a referral network with the "Somaliland" Human Rights Network.

77. The independent expert also met with local NGOs on 1 February. They raised the issues of the Public Order Law, juvenile suicides, human rights of minorities, and the need to respect the human rights of women. It was asserted that they wished to be more involved in the establishment of a human rights commission for "Somaliland". They emphasized the importance of raising public awareness about human rights through workshops, videos and school education and stated that there remained a need for capacity-building among NGOs as well.

78. Members of the United Nations country team working in Hargeisa also met with the independent expert. The UNDP ROLS programme was discussed. The members stated that a psychological unit was set up in 2003, based on a study of the prevalence of mental illness amongst former combatants and in the general population. It is estimated that 40 per cent of members of the security forces have a serious mental disability. There was widespread abuse of mentally ill people and traditional leaders and the overstretched Government preferred not to or could not deal with what they might consider a minor family issue. A common practice was the chaining of mentally ill people to a tree or within the home for up to seven years. This project has two goals: (a) to assist in the building of the governmental mental health infrastructure; and, (b) to offer direct assistance to target groups. The project also assisted the hospital to develop a strategic action plan so that it could meet minimum standards.

79. They also discussed the Disarmament, Demobilization and Reintegration (DDR) project. It was noted that most ex-combatants were reintegrated into the armed forces and that a National Demobilization Commission exists. Approximately 60 per cent of public sector salaries are paid to security forces. It was stated that the Government requires a long-term plan to reform its armed forces. It was also stated that prison officials who form part of the custodial corps are not qualified and trained for their work. The lack of resources to run a functioning jail (sanitation, water, food) was also discussed.

80. The Public Order Law is said to target two main groups, persons involved in land disputes, and persons entangled in tribal disputes. Often, parents used the law to bring their children to court in order to punish them. It was raised on several occasions that this law was used to detain and imprison people without trial. The independent expert stressed that this law had been inherited from the Siad Barre regime and it contradicted international standards of human rights as it gave the power of detention to an executive body, rather than a judicial one. The independent expert raised these issues with various levels of authority, particularly the Minister for the Interior and the Minister of Justice (who assured the independent expert that he would seriously look into the matter) as well as with media sources while on mission. He has also urged a review of this law of the National Security Committee and stated that the Parliament should introduce proposals to change the law.

81. In the independent expert's discussions with two members of the House of Elders (the Upper House of the "Somaliland" Parliament) who were also members of its Human Rights Committee, the issue of capacity-building and training for parliamentarians was raised.

B. Visit to "Puntland"

82. The independent expert visited Garowe, Bossaso and Hafun in "Puntland", from 3 to 5 February. He remarked that this being his third visit to "Puntland", the security situation was much improved compared to his previous two visits.

83. The independent expert's first meeting there was with the President of "Puntland" in Garowe on 3 February. The President noted that "Puntland" had been relatively safe in the past year and that peace and security was not their primary worry at this stage. He outlined, rather, that "Puntland's" current problems were: (a) the effects of the four-year drought; (b) the impact of freezing rains which killed thousands of livestock in a single night; (c) the effects of the tsunami on the coastal areas of "Puntland"; and (d) the lack of infrastructure in the region. He also stated that poverty and development were crucial issues for "Puntland".

84. The independent expert raised the issue of economic rights in the "Puntland" region. The large-scale illegal fishing off the vast unguarded "Puntland" coast continues. There are over 200 large ships in "Puntland" waters and there are no coast guards. The independent expert also raised the problem of trafficking in "Puntland".

85. The President explained that it was very difficult to police "Puntland's" long coast due to a lack of human and financial resources. He also explained that "Puntland" was essentially rich in natural resources that were unexploited due to an inability to attract foreign investment, but that, ironically, the coastal waters and fisheries areas were ruthlessly exploited by foreign vessels. He claimed that it had not proved possible to conclude agreements with foreign Governments about their vessels since they wished to enter into agreements with Somalia and not just with "Puntland".

86. The independent expert once again advised that the region should establish an arrangement similar to that for civil aviation, which would permit international recognition and protection of the coastline. He also encouraged the promotion of commercial investment for the development of the ports, with marketing based on a thorough assessment of port needs.

87. On the political front, the President noted good relations with Djibouti as well as the TFG and stated that he intended to hold discussions with the President of "Somaliland" on the contested Sanaag and Sool border areas. He added that, in his estimation, "Puntland" did not have any political prisoners or serious human rights issues. The media was "independent and free", but journalists required proper training and equipment.

88. The independent expert suggested that "Puntland" establish an independent human rights commission and that he and the United Nations agencies would be willing to provide technical assistance in this area.

89. While visiting the prison in Garowe, the independent expert was surprised to learn through interviews with some of them, that about 30 were "prisoners of war" from the Sool/Sanaag border conflict with "Somaliland". The matter was later raised with the President of "Puntland" who assured the independent expert that the POWs would be released. The independent expert also spoke to representatives of the International Committee of the Red Cross (ICRC) as well as "Somaliland" officials and offered his good offices to settle this matter.

90. Through interviews with prisoners it was also learned that medical services were not available and that the prison infrastructure was lacking. Some of the prisoners were suffering from untreated malaria. The independent expert spoke with Ibrahim Ahmed Musa and Abdi Abdullah Ali, two prisoners who had been awaiting trial for up to one year. The independent expert also noticed that two other prisoners were chained and he was assured by prison staff that they would be unchained.

91. The mission also visited the police station in Garowe and attended a class in the city's police training school. The independent expert addressed the class, noting that good policing and respect for human rights were intrinsically linked. The Commissioner of Police was also present in the class and stated that the police services required both materials and training.

92. The independent expert met with local NGOs. Attention was drawn to the need to construct and rehabilitate schools, and to build the capacity of hard-working local NGOs, particularly in terms of the empowerment of women. They also mentioned a pressing need to provide technical assistance in the judicial and penal system (administrative training of law clerks and paralegal training, capacity-building of the bar association, vocational and literacy training for prisoners, and uniforms for both guards and prisoners).

93. The mission paid a courtesy call on the Supreme Court of "Puntland". The independent expert noted that without justice and the rule of law there could be no security, as the manner in which authorities were seen to deal with laws and justice created improved security.

94. In "Puntland", the Government had agreed to a request by women's groups to establish a Ministry for Women's Affairs. During a meeting with representatives of the Ministry for Women's Affairs in Bossaso on 4 February, they noted that they were extremely lacking in material resources and that this prevented them from assisting Somali women who have suffered immeasurably as a result of the long conflict. The independent expert encouraged them in their work and urged them to seek resources in creative ways.

95. The Somali Reunification Women's Union, an NGO which had been working with UNDP and UNHCR since 1992 on IDP and returnee issues, noted that, since 2004, three new IDP camps had been added bringing the total to 16. They explained that the last three camps were set up to house people fleeing the effects of the droughts. A 2002 estimate was that 4,320 families or about 20,000 people resided in these makeshift camps. A one-month assessment of the current situation funded by UNDP was planned to commence shortly.

96. The mission also visited a prison while in Bossaso on 4 February. The independent expert raised the issue of the two chained inmates whom he had seen at the prison in Garowe. The mission also learned that 105 persons were in detention at the Bossaso prison, of which 50 had been sentenced and the remainder were awaiting trial. Five had been sentenced to death, and of those receiving non-capital sentences, the maximum penalty was three years. The average sentence was six months. It was also explained that, officially, the prison did not hold minors. There was one female prisoner incarcerated for six months for firing a gun and wounding a person.

97. The mission visited the Shabeele IDP camp, which housed about 440 families. The camp chairperson explained that they were mostly displaced persons from southern Somalia. They needed school education for their children, health services and adequate food. There were no work opportunities available to them at all, and they wished to move to a more settled and viable place.

98. In a visit to the Ajuuran IDP camp, the mission learned that there were 820 families there. They had also been displaced from southern Somalia and their main concern was securing some land of their own on which to earn a basic livelihood.

99. As noted above, on 5 February, the independent expert travelled to Hafun, a small fishing village on a peninsula in north-eastern coastal area of "Puntland", to witness the effects of the tsunami, any human rights implications, and efforts to ameliorate the situation. The effects of the 26 December 2004 tsunami in the Indian Ocean were far-reaching, arriving as far as the eastern coast of Africa. The Hafun area had an estimated population of 6,000 people; from accounts received from the mayor of Hafun, about 19 people were confirmed dead and 132 are missing as a result of the tsunami striking the area. Most of the dead and missing are fishermen. There were also 130 boats missing, 18 transport boats were destroyed and many lobster storage freezers were also lost. The local school, clinic/hospital, district court, mosque as well as other buildings were destroyed. In many structures, the water level had reached 2 metres.

100. Hafun's only communication to the outside world is through short-wave radio. As of 28 December, the area began to receive some international assistance from donor countries and also from the World Food Programme and UNICEF.

101. While in Nairobi, it was cautioned that perhaps there were more than sufficient funds compared to the scale of the problem in "Puntland". The absorption capacity of Hafun had been reached, and on average, fishermen are wealthier than most Somalis. The independent expert's impression was that the village was essentially destroyed and the livelihood of the village was in a dire condition.

IX. PARTNERSHIPS FOR THE PROMOTION OF HUMAN RIGHTS IN SOMALIA

A. Meeting with the Prime Minister of the Transitional Federal Government, Ali Mohamed Gedi

102. On 7 February 2005, the independent expert met with the Prime Minister of the Transitional Federal Government, Ali Mohamed Gedi in Nairobi.

103. The independent expert raised economic and social rights issues arising from his mission such as the abuse of coastal fisheries and illegal fishing in "Puntland", as well as the issue of livestock industry and the continuing ban on imports by Saudi Arabia.

104. The independent expert strongly urged the TFG to sign and ratify all the key international human rights instruments and to consider establishing a national human rights commission. He also mentioned that the mission had met with the Minister for Gender and Family Affairs and he urged the Prime Minister to support the work of her Ministry.

105. The Prime Minister expressed his appreciation for the mission of the independent expert and for the present meeting. He noted the same concerns regarding illegal fishing in Somalia's coastal areas. He was also concerned about the livestock export ban, because it was detrimental to the economy and it was adversely affecting Somali traditional way of life. He assured the independent expert that he wished to establish all necessary institutions and mechanisms to ensure that human rights were respected in Somalia. He also agreed with the need to support the work of the Ministry for Gender and Family Affairs. The independent expert encouraged the Prime Minister to attend the sixty-first session of the Commission on Human Rights in Geneva.

106. Prime Minister Gedi suggested that the establishment of a Criminal Court for Somalia (perhaps modelled on the Arusha International Criminal Tribunal for Rwanda) would be welcome to assist in redressing injustice and to convict those who committed crimes before and during Somalia's civil war. He requested technical assistance and information to this end. In addition, the independent expert mentioned that he would be prepared to recommend the establishment of a Truth and Reconciliation Commission.

B. Meeting with Mohamed Ali Foum, Special Envoy for Somalia of the Africa Union

107. The mission met with Mohamed Ali Foum, Special Envoy for Somalia of the Africa Union, on 7 February. Mr. Foum stated that the main focus for Somalia was "stabilization" in three areas: (a) the "warlords" or clan leaders; (b) the business community; and (c) the Shariah courts. The issue of the African Union peacekeeping force for Somalia was also discussed. Mr. Foum mentioned that the most recent idea was for carefully balanced support from African and Arab countries to be supplied, in terms of troops and material assistance. Mr. Foum also mentioned that police training (possibly carried out by the UNDP through its ROLS programme) was also of paramount importance to stabilizing Somalia. The independent expert agreed that it could be recommended that UNDP expand its current ROLS programme to the rest of Somalia.

C. Meetings with the donor community

108. The independent expert held several meetings with interested donor countries while in Nairobi, where he briefed them on his mission to "Somaliland" and "Puntland" and raised human rights issues such as the elections in "Somaliland" and the Public Order Law in "Somaliland" as well as the economic rights issues concerning illegal fishing and the livestock industry in "Puntland". More generally, he noted the problems of police brutality, prison conditions, the human rights of women and children, IDP conditions, and the support for the establishment of human rights institutions.

109. In meetings with some donors, the independent expert appealed to them to extend support to Zamzam Ahmed Dualeh who, given her experiences and the hardships that she was likely to encounter in her case, wished to start a new life outside Somalia. This matter was also raised with UNHCR officials and other members of the United Nations country team.

D. Meetings with the United Nations country team

110. In discussions with the UNCT, the independent expert learned that the Gender and Human Rights Working Group was facing challenges in addressing human rights issues in the absence of a representative of the Office of the United Nations High Commissioner for Human Rights. The independent expert also learned of UNIFEM's challenges in mobilizing resources for advocates of women's human rights in Somalia, owing to the fact that most resources available were earmarked for humanitarian activities.

111. The independent expert met with the United Nations resident representative, who noted that there were initial preparations to support the TFG and that the actions of the UNCT would be informed by the decisions of the Security Council, the Secretary-General, the United Nations Security Coordinator (UNSECOORD) and the Inter-governmental Working Group on Somalia based at United Nations Headquarters. UNCT would not move to Mogadishu until the security situation was conducive to United Nations operations there. He also reiterated the need for an OHCHR human rights officer to work with UNCT focusing on specialist areas of human rights, notably including human rights advocacy as well as documenting human rights violations and activities.

112. OHCHR's first technical cooperation project in Somalia was initiated in October 1999. From April 2001 to February 2003 OHCHR implemented another project involving the secondment of an OHCHR Senior Human Rights Adviser to UNDP responsible for mainstreaming human rights in the work of the United Nations agencies in Somalia and providing technical advice on the implementation of the UNDP Somali Civil Protection Programme. Following the mission of the independent expert in 2003, the Office of the High Commissioner for Human Rights elaborated a project to establish a human rights office staffed by a Senior Human Rights Officer in Hargeisa, "Somaliland". This project was delayed due to security concerns. In the evolving context of the peace and rebuilding work for Somalia, the independent expert suggests that a Senior Human Rights Officer be deployed to the United Nations country team in Nairobi, with frequent travel to Somalia.

113. On 7 February 2005, the independent expert held a final press conference outlining the key findings of his mission.

X. RECOMMENDATIONS

114. **The independent expert makes the following recommendations, and he:**

(a) **Calls on the Transitional Federal Parliament and Transitional Federal Government of Somalia to ensure that human rights safeguards and principles are included in all their deliberations, documentation, institutions and actions;**

(b) **Calls upon the Transitional Federal Parliament to undertake discussions to work towards signing and ratifying the core international human rights treaties, in particular the Convention on the Rights of the Child;**

(c) Calls upon all Somali authorities to pay serious attention to the protection of children and to coordinate with UNICEF and all international NGOs to achieve the goal of a better life for the children of Somalia;

(d) Calls upon the Transitional Federal Government to increase its support for the Ministry of Gender and Family Affairs and to keep the human rights of women at the top of their agenda. The independent expert also urges the international community and the UNCT to support small projects and programmes in support of their fundamental work on behalf of Somalia's women;

(e) Calls upon all Somali local authorities to provide full protection and support for international humanitarian aid personnel operating in Somalia;

(f) Requests the responsible United Nations bodies urgently to study the possibility of establishing an independent organization for the protection of the endangered Somali coastline;

(g) Recommends the establishment of a "Truth and Reconciliation Commission" model to consider past injustices and human rights violations which occurred during Somalia's 14-year civil conflict;

(h) Recommends that UNDP expand its current Rule of Law and Security (ROLS) programme to the rest of Somalia, to include police training for Somalia's new police forces;

(i) Recommends, on a similar note, that the donor community and the international community give greater consideration to funding human rights-based police training and effective military demobilization which will be critical to the stabilization of Somalia;

(j) Encourages continued comprehensive multi-agency efforts to cater for both the short-term needs of IDPs as well as longer-term solutions to the problem of integration, including the provision of social services to cater for their humane absorption into society;

(k) Calls on the Secretary-General and the Security Council to establish a committee of independent experts to examine allegations of past massive human rights violations and crimes against humanity committed in Somalia, and to report on options for how these might be addressed;

(l) Urges the international community to reinforce their financial support and technical assistance to the Transitional Federal Parliament and Transitional Federal Government, with a view to ensuring that human rights are thoroughly integrated in the institutions, frameworks and laws which are being forged;

(m) Calls upon Somali authorities to establish independent human rights institutions for the protection and promotion of human rights and encourages technical assistance and financial support from the United Nations agencies as well as donor countries;

(n) Recommends that the international community and local authorities render every assistance to civil society in fulfilling its role with respect to the protection and promotion of human rights in Somalia;

(o) With respect specifically to activity of the Office of the High Commissioner for Human Rights, the independent expert recommends the deployment of a Senior Human Rights Officer located within the United Nations country team for Somalia, based in Nairobi. While based in Kenya, the Officer would undertake frequent travel to Somalia (security permitting). It is also envisaged that the Officer would be deployed with the UNCT, if the United Nations takes a decision in the future to move the UNCT to Mogadishu. The OHCHR international representative would coordinate his/her work with the activities being undertaken under the UNDP ROLS programme and undertake the documenting of human rights violations and activities. Human rights advocacy would also be included in the project mandate as an indispensable element for building a "culture of human rights". Finally, the Officer would provide human rights expertise, if requested, to the Transitional Federal Government in the area of human rights, in the context of the United Nation's agreed overall framework for cooperation with the TFG.

Annex

LIST OF PERSONS CONSULTED

Nairobi, Kenya	Prime Minister Gedi, Somali Transitional Federal Government Ms. Fowzia Mohamed, TFG Cabinet Minister, Gender and Family Affairs Mr. Max Gaylard, United Nations Resident and Humanitarian Coordinator Mr. Femi Badejo, United Nations Political Office for Somalia (UNPOS) Ms. Maria-José Torres Macho, United Nations Political Office for Somalia Ms. Marti Romero, UNHCR, Chair, Gender and Human Rights Working Group Ms. Nyaradzai Gumbonzvanda, UNIFEM Regional Programme Director, East and Horn of Africa Mr. Andre Le Sage, Centre for Humanitarian Dialogue (Geneva) Mr. El-Balla Hagona, UNDP Country Director Mr. Eddie Boyle, UNDP ROLS Mr. Sidi Zahabi, UNDP ROLS Members of the UNCT for Somalia Ms. Isabel Candela, NOVIB Somalia Mr. James Nduko, Human Rights Programme Officer, NOVIB Somalia Mr. Beat Mosimann, Acting Head of Delegation, ICRC Ms. Pat Johnson, Mr. Alberto Fait and Mr. Gaël Griette, European Union Mr. Michael Zorick, political officer-in-charge of Somali affairs Mr. Ibrahim Farah, political section, Somalia and Sudan Ms. Maura Barry, Somalia/Djibouti Programme Manager, USAID Mr. Vittorio Cagnolati, Programme Adviser, Italian Embassy Ambassador Mohamed Ali Foum, African Union Special Envoy for Somalia Ms. Anne Maria Madsen, Counsellor, Development Royal Danish Embassy and Chair of the SACB Steering Committee Ms. Rina Kristmoen, First Secretary, Royal Norwegian Embassy Mr. Per Lindgärde, Deputy Head of Mission, Embassy of Sweden

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Hargeisa, "Somaliland", Somalia	Mr. Ahmed Yusuf Yassin, Vice-President of "Somaliland" Minister of Justice Commander of the Custodial Corps Speaker of the House of Representatives Minister of the Interior NAGAAD Lawyers' Association Chairman and members of the executive of the opposition Kulmiye Party Members of the Somaliland Upper House of Parliament Representatives of the United Nations country team Ms. Fatima Ibrahim, UNDP ROLS
Garowe, "Puntland", Somalia	President of "Puntland" Judges of the "Puntland" Supreme Court Garowe Police Commissioner Representatives of the Ministry of Women's Affairs Representatives of the United Nations country team Representatives of local and international NGOs
Bosasso, "Puntland", Somalia	Representative of UNDP Representatives of the Somali Reunification Women's Union Representatives of internally displaced persons at the Shabeele IDP Camp

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